

HOUSE BILL 890

M1, M4

11r2693

By: **Delegates Kach, Lafferty, and Olszewski**
Introduced and read first time: February 11, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Preservation – Land Draining to a Reservoir**

3 FOR the purpose of requiring the Maryland Agricultural Land Preservation
4 Foundation to prioritize certain grants relating to the preservation of land that
5 drains into a reservoir in the State; adding to the list of land conservation
6 priorities that the Secretary of Natural Resources is required to consider in
7 allocating the State's share of funds under Program Open Space; and generally
8 relating to the priorities for land preservation and conservation under the
9 Maryland Agricultural Land Preservation Program and Program Open Space.

10 BY repealing and reenacting, without amendments,
11 Article – Agriculture
12 Section 2–505(a)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Agriculture
17 Section 2–505(c)
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Natural Resources
22 Section 5–903(a)
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2010 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Natural Resources
27 Section 5–903(h)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Agriculture**

6 2–505.

7 (a) The Maryland Agricultural Land Preservation Fund is created and
8 continued for the purposes specified in this subtitle.

9 (c) (1) The Comptroller of the Treasury may not disburse any money from
10 the Maryland Agricultural Land Preservation Fund other than:

11 (i) For costs associated with the staffing and administration of
12 the Maryland Agricultural Land Preservation Foundation;

13 (ii) For reasonable expenses incurred by the members of the
14 board of trustees of the Maryland Agricultural Land Preservation Foundation in the
15 performance of official duties; and

16 (iii) For consideration in the purchase of agricultural land
17 preservation easements beginning with fiscal year 1979 and each fiscal year
18 thereafter.

19 (2) The Maryland Agricultural Land Preservation Foundation may
20 provide grants to the Maryland Agricultural and Resource–Based Industry
21 Development Corporation, subject to conditions jointly agreed upon by the Foundation
22 and the Corporation, to facilitate:

23 (i) An installment purchase agreement program; or

24 (ii) The funding of the Next Generation Farmland Acquisition
25 Program.

26 (3) The Maryland Agricultural Land Preservation Foundation may
27 provide grants to counties to facilitate:

28 (i) The Critical Farms Program, as provided in § 2–517 of this
29 subtitle, subject to conditions jointly agreed upon by the Foundation and the county;

30 (ii) The purchase of easements under a county installment
31 purchase agreement program approved by the Foundation, as provided in § 2–510.1 of
32 this subtitle; and

1 (iii) The payment of the principal of and interest on bonds issued
2 by a county for the sole purpose of purchasing agricultural land preservation
3 easements that meet the requirements of this subtitle, subject to conditions jointly
4 agreed upon by the Foundation and the county.

5 (4) Grants provided by the Maryland Agricultural Land Preservation
6 Foundation may not be:

7 (i) Used to fund county land preservation programs; or

8 (ii) Pledged to secure county-issued bonds.

9 **(5) THE MARYLAND AGRICULTURAL LAND PRESERVATION**
10 **FOUNDATION SHALL PRIORITIZE GRANTS UNDER THIS SUBSECTION THAT**
11 **PRESERVE LAND THAT DRAINS INTO A RESERVOIR IN THE STATE.**

12 **Article – Natural Resources**

13 5–903.

14 (a) (1) Of the funds distributed to Program Open Space under § 13–209 of
15 the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in
16 the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of
17 the State Finance and Procurement Article, to the Maryland Heritage Areas Authority
18 Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions
19 Article to be used for the purposes provided in that subtitle.

20 (2) (i) 1. Of the remaining funds not appropriated under
21 paragraph (1) of this subsection:

22 A. One half of the funds shall be used for recreation and
23 open space purposes by the Department and the Historic St. Mary’s City Commission;
24 and

25 B. 20% of the funds or \$21,000,000, whichever is greater,
26 shall be appropriated to the Forest and Park Service in the Department to operate
27 State forests and parks.

28 2. Except as otherwise provided in this section, any
29 funds the General Assembly appropriates to the State under this subsection shall be
30 used only for land acquisition projects.

31 (ii) At least \$1,500,000 of the State’s share of funds available
32 under subparagraph (i)1A of this paragraph for this program shall be utilized to make
33 grants to Baltimore City for projects which meet park purposes. The grants shall be in
34 addition to any funds Baltimore City is eligible to receive under subsection (b) of this
35 section, and may be used for acquisition or development. In order for Baltimore City to

1 be eligible for a State grant, the Department shall review projects or land to be
2 acquired within Baltimore City, and upon the Department's recommendation, the
3 Board of Public Works may approve projects and land including the cost. Title to the
4 land shall be in the name of the Mayor and City Council of Baltimore City. The State
5 is not responsible for costs involved in the development or maintenance of the land.

6 (iii) 1. A portion of the State's share of funds available under
7 subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for
8 each fiscal year may be transferred by an appropriation in the State budget to the
9 Rural Legacy Program under Subtitle 9A of this title.

10 2. In each fiscal year, up to \$2 million of the funds
11 transferred under this subparagraph to the Rural Legacy Program may be used to
12 purchase zero coupon bonds for easements.

13 3. Sums allocated to the Rural Legacy Program may not
14 revert to the General Fund of the State.

15 (iv) The Department may acquire real property under
16 subparagraph (i)1A of this paragraph based on an offer by the State that is less than
17 the lowest approved appraisal for the property.

18 (v) For each of fiscal years 2010 and 2011, \$1,217,000 of the
19 State's share of funds available under subparagraph (i)1A of this paragraph may be
20 appropriated in the budgets of the Department, the Department of General Services,
21 and the Department of Planning for expenses necessary to administer this Program.

22 (h) In allocating the State's share of funds under this section, the Secretary
23 shall consider the following land conservation priorities, notwithstanding other
24 priorities specified in this title:

25 (1) Conserving working landscapes, as defined in § 5-101 of this title;
26 [and]

27 (2) Protecting and restoring forests from threats, including
28 catastrophic wildfires, hurricanes, windstorms, snow or ice storms, flooding, drought,
29 invasive species, insect or disease outbreak, and development; AND

30 (3) **CONSERVING LAND THAT DRAINS INTO A RESERVOIR IN THE**
31 **STATE.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2011.